

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DUANE FRALEY,

Plaintiff,

vs.

**Case No.: 2:15-cv-2902
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

**OHIO DEPARTMENT OF
CORRECTIONS, *et al.*,**

Defendants.

ORDER

On October 7, 2016, the United States Magistrate Judge issued a *Report and Recommendation and Order* recommending that Plaintiff's Motion for Injunctive Relief (Doc. 34) and Motion to Take Judicial Notice (Doc. 44) be denied; and Defendants' Motion for Summary Judgment (Doc. 33) be granted. (*See Report and Recommendation*, Doc. 49). Further, the Magistrate Judge granted Defendants' Motion to Strike (Doc. 47); and denied as moot Plaintiff's Motion Requesting Leave until his Release (Doc. 46). The parties were specifically advised of their right to object to the *Report and Recommendation and Order* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation and Order*.

The *Report and Recommendation and Order* is hereby **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Injunctive Relief (Doc. 34) and Motion to Take Judicial Notice (Doc. 44)

are **DENIED**; and Defendants' Motion for Summary Judgment (Doc. 33) is **GRANTED**.

Further, Defendants' Motion to Strike (Doc. 47) is **GRANTED**; and Plaintiff's Motion

Requesting Leave until his Release (Doc. 46) is **DENIED AS MOOT**.

The Clerk shall remove Documents 33, 34, 44, 46, 47, and 49 from the Court's pending motions list. Final Judgment shall be entered in favor of Defendants.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT